

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

KEITH STENNIS,)
)
Petitioner,)
)
vs.) CIVIL NO. 05-773-WDS
)
PEOPLE of the STATE of ILLINOIS,)
)
Respondent.)

MEMORANDUM AND ORDER

STIEHL, District Judge:

Before the Court is Petitioner's "motion for extension of time" (Doc. 1), which the Clerk construed as a habeas corpus petition. In this motion, Petitioner asks for an extension of time to file his pleadings in this case. Specifically, he seeks either 60 or 90 days from the date of filing of the motion, although even the longer of those two periods has since elapsed.

However, despite correspondence from the Clerk (Doc. 2), Petitioner has not yet paid the \$5 filing fee for this action, nor has he filed a properly supported motion for leave to proceed *in forma pauperis*. *See* 28 U.S.C. §§ 1914, 1915.

IT IS HEREBY ORDERED that the motion for extension of time is **GRANTED**. Petitioner shall file his habeas corpus petition within **THIRTY (30) DAYS** of the date of entry of this order.

IT IS FURTHER ORDERED that, within **THIRTY (30) DAYS** of the date of the entry of this order, Petitioner shall pay the \$5 filing fee applicable to this action. In the alternative, Petitioner may file a motion to proceed *in forma pauperis*, supported by a certified copy of his

prison trust fund account statement for the six-month period immediately preceding the filing of the complaint and an affidavit that includes a statement of his assets. Petitioner is **ADVISED** that in the event he has been transferred among institutions during this six-month period, it is Petitioner's responsibility to obtain a copy of his prison trust account statement from each such facility and to forward it to the Court. Petitioner is **FURTHER ADVISED** that his obligation to pay the filing fee for this action was incurred at the time the action was filed; such an obligation will exist whether or not Petitioner is granted leave to proceed *in forma pauperis*. 28 U.S.C. § 1915(b)(1); *see also Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998).

IT IS FURTHER ORDERED that upon conclusion of this thirty-day period, should Petitioner fail to comply with this order, this case will be closed for failure to comply with an order of this Court. FED.R.CIV.P. 41(b); *see generally Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994).

The Clerk is **DIRECTED** to provide Petitioner with a sufficient number of the appropriate forms to prepare a habeas corpus petition and a motion for leave to proceed *in forma pauperis*.

IT IS SO ORDERED.

DATED: February 8, 2006

s/ WILLIAM D. STIEHL
DISTRICT JUDGE